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1st. The confederates to bind themselves not to consent, any of them, that the independence or integrity of the territory of another shall be attacked by any nation, and to treat the invader or offender of any of the states of the confederation as a common enemy.

2d. All to bind themselves never to cede or to alienate any part of their territories nor to consent that colonies of foreign nationality shall be formed within their limits; but on the contrary that every colonist on establishing himself in the confederate states shall be obliged to renounce the nationality of his origin and take an oath to recognize no other laws, nor other authority, nor other protection than those of the state in which he settles.

3d. To bind themselves likewise not to concede privileges to make roads, canals, or similar works to foreign citizens or companies unless these citizens or companies renounce their nationality in the same manner and contract the same obligation as the colonists to recognize no other laws, nor other authority, nor other protection than those of the state in which they undertake such works; thus preventing these privileges from giving rise to claims on the part of foreign governments.

4th. To draw closer the union of the confederates it would be appropriate to declare that the citizens of one state should be regarded in all the others as if they were natives of them, except for the discharge of those employments which require birth in the state.

5th. Each of the states forming the alliance should be entitled to have a permanent representative at the court of Rio Janeiro, where the diet of the confederation should meet, to which should belong the determination of all matters of general interest and benefit.

6th. In the disputes which arise between one state and another of the confederation the diet will contrive to bring about an amicable settlement, avoiding with the greatest concern any disturbance of the peace between the allies, and endeavoring that the most perfect harmony shall reign among all.

7th. In the event, which it is hoped might not occur, that some cause of disagreement should arise between one of the confederate states and a foreign nation, the diet will examine the question, observing the principles of strictest justice, and, should it find that right is not on the side of the confederate, it will endeavor to cause it to yield its claim or to give the satisfaction which is due; but resisting in every case a demand on the confederate which is not just and which is contrary to the interests of the confederation.

A true copy.

4. *Letter of Stephen R. Mallory, 1861*

THE following letter, the manuscript of which is at present in the possession of the managing editor, was addressed by Stephen R. Mallory, Secretary of the Navy in the Cabinet of President Davis, to some friend in Florida. The name of the person to whom it was

addressed has been cut from the manuscript. From internal evidence and from the fact that, with the exception of the last paragraph and the signature, it is written in the handwriting of a clerk, it may be inferred that it was one of several copies sent out by Secretary Mallory for purposes of local vindication.

Stephen R. Mallory, born in the island of Trinidad in 1813, was United States senator from Florida from 1851 to 1861. When secession began he was chairman of the Senate committee on naval affairs. Throughout the existence of the Confederacy he was its Secretary of the Navy. He died in 1873.

MONTGOMERY ALA. Mar. 22. 1861.

My dear sir,

Though busily engaged in organizing the Navy Department here and aiding to launch our new Ship of State, I have desired for several days to write you and have stolen an hour this Sunday morning to do so. As it specially concerns myself however I must apologize in advance for what I fear may prove tedious if not an infliction upon you, but I have determined to state facts to honorable men here and there in our State, as my time may admit of, whose judgment I respect and whose confidence irrespective of private friendship I am of course solicitous to obtain. *You are one of these.*

It was my good fortune in Washington throughout my last term there and up to the day of my departure to cooperate with the Senators from the Border States, (in caucus) and with other good and true men in advancing the common interests of our Section. On opinions as to the course of the Buchanan Administration, and as to those which it was expedient for the Seceding States to pursue there was a happy unanimity.

Pensacola was an interesting point, and with regard to our course there I was frequently brought into action, receiving as I did telegraphic news from Chase¹ in command there, and from other friends and laying these before our Southern friends in caucus.

It was a fatal error not to have taken "*Pickens*".² I did what I could to bring this about, I telegraphed Gov. Perry³ and Major Chase both upon the subject and also a friend in Pensacola and from thence Capt Bright of the Guard sent him a telegraphic request for permission to take it. He may not have received either, but at all events he acted from the best lights in his possession and let that pass. When the U. S. forces moved into Pickens, Chase telegraphed me he could not take the work without assault at an immense sacrifice of life and total annihilation of the garrison. I at once showed it to my colleague Mr. Yulee

¹ Colonel William H. Chase, commanding the Florida forces at Pensacola; formerly an officer of engineers in the United States army.

² On Lieutenant Slemmer's move from Fort Barrancas to Fort Pickens, see Lieutenant-colonel J. H. Gilman's article, "With Slemmer in Pensacola Harbor", in *Battles and Leaders of the Civil War*, I. 26-32.

³ Governor M. S. Perry of Florida.

and every Senator of the Border States. Upon full consultation it was unanimously agreed to send a telegram to Chase telling him that the capture of the work was not worth in the then condition of affairs one drop of blood.

The Senators of Texas, Louisiana, Mississippi [sic], Alabama, Georgia, Arkansas and Florida signed it and the *original* I have,¹ but Chase had no idea of assaulting it believing [sic] it to be madness to do so. As Chairman of the Naval Committee I was of course kept advised more or less of the designs of the Navy Department, and I thus learned that four Ships of War were ordered to Pensacola, with heavy batteries.² Upon inquiring I found they were ordered to sail into the Harbor lie close to the Fort and cooperate with it. I knew that Barrancas and McRae were reported by Chase to be untenable, that the few heavy guns were spiked and dismounted, that he could not raise a finger to prevent the entrance of these ships, and that if even he could it would entail upon us the firing of the first gun, and ensure the destruction of these works and the Navy Yard.

Hence after full consideration with our Southern Senators, I exerted every argument with the President and Secretary to keep them out at Sea, and at last by asserting boldly that we would raise said batteries and sink them at their anchors, that their coming in was a warlike menace, That I would man and fire the first gun myself etc etc. I got them to countermand their orders and to render this secure I induced the Secty to sent Capt Barron U. S. Navy³ with me to Pensacola, who proceeded to every ship as she came in sight of the Port and warned her off.⁴ Thus they were kept out and we were not demoralized by their presence, and they are still with two additional vessels at sea off the Port. But for this these ships would have entered the Port unmolested.

On my way home⁵ I saw by the telegraphic news that the Brooklyn was ordered with troops to reinforce "Pickins".⁶ This I know was not the work of the President or Secretary, but of Holt and Scott. I went at once to Chase and asked him whether he could prevent the reinforcement and he answered me that he could not and would not attempt it. I knew he could not from the location of the Fort and their command of the sea. But I also knew that its reinforcement in the face of the thousand troops we had on our side would be a triumph to the enemy, and in connection with a few friends I sent a dispatch to Slidell Hunter

¹ The telegram, dated January 18, 1861, is printed in *Official Records of the Union and Confederate Armies*, I. 445.

² Apparently three of the four ships referred to were the *St. Louis*, *Sabine*, and *Macedonian*. *Official Records of the Union and Confederate Navies*, IV. 5, 9, 62.

³ Samuel Barron, afterward Commodore C. S. N.

⁴ Barron's orders, January 21, 1861, are in *Official Records, Navies*, IV. 66.

⁵ Senator Mallory took his formal departure from the Senate on January 21.

⁶ January 21. *Official Records, Navies*, IV. 66.

and Bigler,¹ (supposing my colleague had long before left Washington,) calculated to alarm the President and induce him to countermand the order. I stated that we would resist it in every way we could to the last and it was a useless menace, bravado and insult and might provoke instant war—and was inconsistent with the Presidents declaration to me and others in favor of *Peace*. This had its effects. The President ordered the soldiers to remain on board the Brooklyn, upon Chase's assurance that he would not assault the Fort which as Chase had determined not to attack it, and to resign his command rather than do it, he readily gave. Chase being of the opinion that we had but two means of taking it both involving a large force and guns of calibre we had not. The point was thus gained the troops kept out and they are still at sea. In this matter Chase is of course entitled to the credit for I could not go beyond preparing the way, being only a full private.

When my colleague passed through Charleston, he sent me a telegram asking me whether 50 000 lbs of powder could be loaned to S. Carolina, to be returned on demand.

I presume he telegraphed me rather than Gov. Perry because he was aware that I had privately ascertained the amount and value of ordnance stores at the Yard. I showed his dispatch to Chase representing the Governor and asked him what I should reply, he told me to say that it could be spared and he would aid in sending it on if the Governor (Perry) would authorize him. My Colleague had requested me to reply to Gov. Pickens and I did so at once, that Chase said the powder could be spared, and that if he would get an order for it from Gov. Perry and send it to Pensacola, I if received there would aid in forwarding it. I heard nothing more on that subject until I recently learned from Gov. Pickens that he had the powder by Gov. Perry's order.

When in Washington we saw that Southern Naval men began to resign and we all saw that by this course we could get no ships and we the Southern Senators deemed it best to advise those who sought advice to try and get a command before resigning. But one man applied to me a personal friend just from a long cruise and *not* entitled to command.² I at once got him a command afloat at Key West, he notified me that he could not leave his family at Pensacola to go to Key West. I replied, "I have had your head quarters changed to Pensacola hold on yet." I then arranged to have his vessel ordered to report to him at Pensacola, but the same day he resigned by Telegraph. I did not and ought not tell him my plan or motive but if he had taken my advice, we would at least have had one vessel, Whereas of all the Navy we have none except an unrepainted vessel at Pensacola.

¹ Senators from Louisiana, Virginia, and Pennsylvania respectively. The telegram is printed in *Official Records, Armies*, I. 354; their reply in *Official Records, Navies*, IV. 213. The consequent orders of Secretaries Holt and Toucey are printed *ibid.*, 74, and *Armies*, I. 355, and *Curtis's Buchanan*, II. 464.

² Note in original, in Mallory's hand: "The late Commander Wm. L. Brent—native of Md."

When our State seceded Moreno (Marshal) my brother in law;¹ and Baldwin at Key West sent me in their resignations to do with as I pleased.

At the same time the members of the Legislature and Convention telegraphed to me, not to submit them as they wanted these gentlemen, as good and true State Rights men as ever breathed to hold on until the State could assert her authority at Key West, and thus assist the State to assert her authority, and thus they did hold on to 4th. of March, not for their own benefit, but for the Public good.

And now my dear Sir why you may ask have I troubled you with these details and I reply that I have within a few days, learned that Genl. Morton and Mr. Blount the two leading lights of the K. N. Party of St. Rosa Co. have sought to create the impression in Tallahassee upon the minds of honorable men that I was not sufficiently sound upon Southern Rights ~~so~~ and that they have given as specifications the very acts and doings of mine which I have thus recited and of which I am justly proud, and all and every of which I rejoice to have been able to do. Of course they must have presented them by the lights of their own dark lanterns or men like you and others would have seen them in their real and true light. I kept clear of Montgomery wanting to be let alone in my career of *full private* and determined to fill no other part under our Government and I was unwilling by coming here to give any ground for presuming that I wanted Station or position. Mr. Davis and I have long been personal friends. By telegraph he invited me to a seat in his Cabinet. I resolved at once not to take it and came to say that though I could not accept of any Public position, I would cheerfully give his Secretary of the Navy all the aid in my power, from time to time in the orginization [*sic*] or conduct of his department. Upon reaching here I learned from him that not only had he sent in my nomination but that it was opposed by two of Florida's delegation.² Of course I could not carry out my purpose and withdraw in the face of unknown opposition. Next day I learned that these gentlemen (Anderson was not here) opposed me upon the precise ground I have related, disclaiming all personal grounds. This opposition of Mortons needed but to be seen to be despised, as to Mr. Owens, I had never before met him but once, when he favorably impressed me. And I know he only saw the matter as Morton presented it, but Morton from mental and physical structure

¹ Senator Mallory had married the daughter of Señor Moreno of Pensacola. Fernando J. Moreno was marshal for the southern district of Florida. John P. Baldwin was collector of customs at Key West.

² In the Provisional Congress of the Confederate States, Florida was represented by J. Patten Anderson, Jackson Morton, and James B. Owens. When President Davis nominated Mallory to be Secretary of the Navy, February 25, the nomination was, on motion of Morton, referred to the committee on naval affairs. In the final vote on confirmation, March 4 (36 yeas, 7 nays), Florida voted thus: yea, Anderson; nay, Morton and Owens. *Journal*, I. 85, 95, 105, 106.

and from political rancor long indulged toward me, remembering perhaps the result of his Know Nothing career, his shibboleth of Americans must rule America etc. and my course in the opposition and with that sort of chuckleheadedness which distinguishes all he says, could not do justice to a political adversary. When Anderson reached here, he spoke to me like a man and in five minutes comprehended Morton's conduct and mine. Mr. Owens has since personally sought from me an explanation of the whole matter and now sees it, I believe, in the light of truth. But I will not tire you further. At Washington the Senators of the Border States acted together, with those of Virginia in gaining time for preparation, time to quit the old concern, to launch our Ship of State, to cut away the boats throw the Jonas overboard. Nail our flag to the mast and establish our Government without bloodshed unless compelled to shed it by honor or Safety, was their determination. In full view of the field before them, They sent Chase the dispatch in question. I have the original signed by them all, including Davis and Wigfall. But this Dispatch gave special displeasure to Messrs Blount and Morton, men who ran as Submissionists against our Secession Candidates and were elected with the full Submission ticket from the two extreme western countries [sic]. I write this because first every act, vote and speech of mine in Congress is before the World and I challenge their examination, and Secondly I want you and every other man to know that in each and every act deed and word of mine upon this Secession question and the Policy towards the Forts or otherwise of the South I am proud of. And I feel I would have been recreant to my duty had I not pursued the path I did. *My* making a truce, as it is called is the sheerest claptrap ever uttered by lying demagogue. *How* could I make a truce? I had neither authority or command, or public position, but was a full private. What I did was to give the Administration a fright and induce them to propose terms to Chase to keep troops out. And Chase assumed them and nobly and publicly avers now all the responsibility.

In conclusion you will concur with me that the publication of these matters could do good only to our Northern enemies. But for this consideration they would have been spread about in our newspapers. Every man who ventures to climb moral[1]y, physical[1]y, or intellectually makes himself a tempting mark for the shafts of envy, hatred or malice to practice on. I have realized this perhaps neither more or less than thousands and have been as little deterred by it. Attacks thus originating and guided by falsehood, like the dirt on the wheels of the Locomotive, are penalties paid by progress and they should as little regard it. But yet I am solicitous to be understood rightly by all men of honor, truth and virtue and hence I write thus frankly to you, a trespass upon your time and attention which I sincerely hope you will excuse.

Very truly and respectfully yours
S. R. MALLORY.